

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

LIONEL RUBALCAVA,
Petitioner,
vs.
TOM FELKER, Warden,
Respondent.

Case No. C 07-5379 SBA (pr)

ORDER

Dkt. 21

On March 11, 2010, the Court denied Petitioner's petition for writ of habeas corpus and correspondingly declined to issue a certificate of appealability. Dkt. 5. Petitioner filed a notice of appeal from the Court's ruling. Dkt. 7. Thereafter, the Court denied Petitioner's request to proceed in forma pauperis ("IFP") on appeal, 28 U.S.C. § 1915(a)(3), on the ground that his appeal was not in good faith. Dkt. 17. Petitioner has now filed a motion for reconsideration of the Court's order denying his IFP request. Dkt. 21.

A district court has the discretion to reconsider a prior order. Sch. Dist. No. 1J v. ACandS, Inc., Multnomah Cnty., Or., 5 F.3d 1255, 1262 (9th Cir. 1993). "A motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." 389 Orange Street Partners v. Arnold, 179 F.3d 656, 665 (9th Cir. 1999). Here, Petitioner has not presented the Court with any compelling arguments demonstrating that reconsideration is warranted under the aforementioned standard. While Petitioner may meet the poverty requirement for IFP status, he has made no showing that the Court's determination that his appeal was not taken in good faith was in error. Accordingly,

1 IT IS HEREBY ORDERED THAT Petitioner's motion for reconsideration is
2 DENIED. This Order terminates Docket 21.

3 IT IS SO ORDERED.

4 Dated: March 31, 2011


5 SAUNDRA BROWN ARMSTRONG
6 United States District Judge
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